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E.O. 12958: DECL: 08/04/2018  
TAGS: [PREL](#) [PGOV](#) [EFIN](#) [KCOR](#) [SNAR](#) [NI](#)  
SUBJECT: NIGERIA: EFCC DEMARCHE DELIVERED TO ATTORNEY  
GENERAL AONDOAKAA AND SGF KINGIBE

REF: SECSTATE 84635

Classified By: A/DCM Walter Pflaumer for reasons 1.4. (b & d).

11. (C) Summary: In separate meetings August 7, CDA presented reftel demarche expressing our concerns about developments at the Economic and Financial Crimes Commission (EFCC) to Attorney General (AG) Michael Aondoakaa and Secretary to the Government of the Federation (SGF) Baba Gana Kingibe. She left a nonpaper conveying the substance of the demarche with Kingibe. Both the AG and SGF attempted to push back against the strong messages conveyed in the demarche. Aondoakaa attempted to argue that there were legal reasons requiring the redeployments, and appealed for new Chairwoman Waziri to be given more time to prove she could show results. He argued that our views were informed by former Chairman Ribadu's inappropriate "badmouthing" of his own government in London and Washington. Kingibe argued that President Yar'Adua was serious about the fight against corruption, but was perhaps going about it in a way which tried the patience of Nigeria's foreign partners. He cautioned, however, that an approach based on "demands and demarches" was less likely to succeed with the President than one based on an attempt to find common ground and a conversational tone. End Summary.

AG Aondoakaa

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12. (C) After CDA went through the demarche point by point, Aondoakaa launched into a lengthy, rambling response. He provided a long-winded defense of the deployments of EFCC staff, arguing that Ribadu had improperly stacked the Commission with people from Adamawa state and his own (Fulani) ethnic group. This, he said violated the "Federal Character" provisions of both the Nigerian Constitution and Federal Character Act, which require that all parts of the GON reflect the ethnic and regional diversity of the country as a whole. He claimed that Adamawa Fulanis amounted to 80% of those who had been reassigned. (Comment: we question this. Our contacts inside the EFCC agree Adamawa people were the plurality, but not a majority of those reassigned. Certainly not 80%. The AG, however, claimed to have documentary evidence, which he will share. End comment.) He also claimed that former Chairman Nuhu Ribadu, his deputy Ibrahim Lamorde and the recently arrested Inspector Magu were all from the same village. (Comment: we challenge this. Ribadu and Lamorde are both from Adamawa, but from towns 100 miles apart. Magu is a Kanuri from Borno state. End comment.)

13. (C) Aondoakaa also insisted that the reassignments were in line with standard police procedure, and in fact required by the Police Service Reform Act, which mandates reassigning

officers every three years. By contrast, many of the officers at EFCC had been there for 5 years or more. He also argued that the recent demotion of Ribadu (among others) was not an attempt to treat him unfairly. He pointed out that Ribadu's earlier promotions had been contrary to Police regulations requiring at least three years between promotions. Ribadu, he claimed, had been promoted three times in one year. The AG added that Ribadu had been traveling around the UK and US badmouthing the GON in ways that no government would tolerate from one of its own staff. He also claimed that Ribadu was planting stories favorable to himself in the Sahara Reporters website, and was even "bankrolling" the site.

14. (C) Responding to the Charge's expression of high level USG concern over Ribadu's treatment, Aondoakaa stressed that Ribadu was not/not under arrest, nor likely to be arrested. He flatly denied press reports that Ribadu would be required to leave the police training course he is attending at NIPSS.

15. (C) Turning to the performance of new EFCC Chair Waziri, the AG noted that she had only just arrived, and was trying to deal with the genuine problems created by Ribadu's tenure: not only the "federal character" and length of stay questions, but also the evidence of officers having done a poor job of building cases against alleged corrupt officials. President Yar'Adua's commitment to rule of law also meant not going forward with cases that would not stand up in court, he stressed. Aondoakaa appealed for Waziri to be given more time to show results. He pointed out that Waziri had just proposed a new bill to the National Assembly, a "Civil Forfeiture Act," which would effectively remove the

current immunity of serving governors, ministers and even the President, against being brought to court over corruption charges while in office. He also pointed to the August 6 arrest of Chief Bode George, former head of the Nigerian Ports Authority and a senior chieftain of the PDP. He insisted that none of the investigations of other corruption cases would be stopped or even significantly delayed by Waziri's shakeup.

16. (C) That said, the AG noted that, while 26 former governors were being investigated by the EFCC, it was likely that only four states (presumably Akwa Ibom, Delta, Rivers and Bayelsa) were guilty of the bulk of all the stealing by state governments. When asked if that meant that the case against former Delta Governor Ibori was going ahead, Aondoakaa did not answer, instead launching into a long account of how Ribadu had attempted to smear him by planting stories alleging that he had interfered with the money laundering case against Ibori in the UK. The AG claimed that it was Ribadu who had endangered the UK case by attempting to bypass the HMG-GON legal assistance treaty concerning the handling of evidence.

17. (C) Aondoakaa appealed repeatedly for the USG to give Waziri and the EFCC more time to prove themselves. "Just two more months" would be enough to show this was true, he said. He added that he would reiterate to her the importance of achieving progress on existing cases, and added that there was "momentum building" for the GON's anti-corruption effort.

18. (C) The CDA responded that this was not the impression created by both Waziri's moves at the EFCC, the lack of movement on high profile cases and other recent developments such as the appointment of David Edevbie, an Ibori crony and "person of interest" in the UK's investigation of Ibori (FYI: press reports claim Edevbie was instrumental in organizing Ibori's money laundering operations. End FYI), to a senior position on President Yar'Adua's staff. The AG first denied being aware of the appointment, then argued that Edevbie should be treated as innocent until proven guilty. Just because there were allegations against him in the press did not mean he was guilty. The CDA responded that the negative perception created by such an appointment was hard to

reconcile with the President's desire to create momentum against corruption.

SGF Kingibe

19. (C) CDA reviewed reftel demarche in detail with Kingibe, and left him a nonpaper drawn from it. The SGF argued that much of what we perceived as backtracking, was in fact just part of President Yar'Adua's commitment to rule of law and proper procedure. This was, in some ways, a "double-edged sword," he said, since it also meant that cases had to be prosecuted based on properly assembled evidence, and the accused rights such as the presumption of innocence and right to habeas corpus needed to be respected. He said the President was very "deliberative," but was committed to the strategic goals set forth in his reform agenda. He said Mrs. Waziri's actions were a result of the "mess" she had found when she took over the EFCC, when cases were being pushed ahead without concern for the fine points of legal procedure.

He noted that his own son worked at the EFCC, and had earned the nickname "Mr. Due Process" from his colleagues because (according to his father) he was trying to follow the rules while they were used to cutting corners.

10. (C) The CDA responded that, while we had heard Mrs. Waziri on all these points, and that the Ambassador has discussed USG concerns repeatedly with the President, it was nonetheless our judgment that, prior to Waziri's arrival, the previous team at EFCC had been making significant headway, both in terms of real prosecutions and the recovery of stolen money, among other things. The CDA also reiterated our concern about the effect on the EFCC's institutional capacity of the removal of so many experienced officers with whom we built up trust, whom we had trained with USG funds, and with whom we had established cooperative working relationships.

11. (C) Kingibe acknowledged these concerns, and that the impression they were leaving was having a negative impact on our assessment of the basic credibility of both the President's reform agenda and his whole government. He was also aware of the Department's conversation with the Nigerian

Charge' about the treatment Ribadu and our concerns about the possibility that he might be arrested. He said he was not aware of any plans to arrest Ribadu.

12. (C) The SGF questioned, however, whether the right way to raise these issues was through "demands and demarches." He argued that a less adversarial and more conversational approach, like that which Ambassador Sanders had been pursuing heretofore, was more likely to succeed with the President. The CDA said we would convey this back to Washington, but stressed that the way the GON and EFCC had been functioning recently had created the perception that the GON was walking away from the fight against corruption. She reiterated our concerns over the impression created by the appointment of David Edevbie to a senior position on Yar'Adua's staff. Kingibe responded "I hear you," and said the GON would attempt to address our concerns, but reiterated his view that a less confrontational approach would be more likely to yield positive results.

Possible UK-U.S. Joint Approach

13. (C) In an August 8 meeting with CDA and A/DCM, UK High Commissioner Dewar said HMG was also in the process of rethinking its relations with the EFCC in the light of recent developments regarding corruption, including both Waziri's actions and the Edevbie appointment. He said the need for action on corruption, including the pursuit of high-profile cases, had been a major item for discussion during President Yar'Adua's recent visit to London. He asked if there was merit in considering a joint approach by the UK and U.S. and perhaps others (particularly the EU) to the President on this issue. CDA agreed to forward this suggestion to the Department.

Comment

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¶14. (C) While this pushback from the AG and SGF was predictable, it is clear that the GON is aware of the seriousness of our concern. Kingibe in particular took note of the effect events were having on USG's evaluation of GON credibility. It is extremely rare for us to be able to get meetings with the likes of Aondoakaa and Kingibe on short notice. We have now also managed to arrange meetings with FonMin Maduekwe and EFCC Chair Waziri for August 8 (see septels). We will continue to deliver the message at every opportunity. End comment.

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